

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

REVISION PETITION NO. 4061 OF 2010

(Against the Order dated 14/09/2010 in Appeal No. 1163/2010 of the State Commission Karnataka)

1. T. PUNDALIKA

H.No. 406, Ward No.9, Padma Sri Nilaya, Panduranga
Colony,

Ananthashayana Gudi, Hospet,

Bellary (Karnataka)

.....Petitioner(s)

Versus

1. REVENUE DEPARTMENT (SERVICE DIVISION),
GOVERNMENT OF KARNATAKA

The Secretary, Revenue Department (Service Division),
Government of Karnataka

Bangalore - 560001

Karnataka

.....Respondent(s)

BEFORE:

**HON'BLE MR. JUSTICE ASHOK BHAN, PRESIDENT
HON'BLE MRS. VINEETA RAI, MEMBER**

For the Petitioner : MR. R.K. DIKSHI (AMICUS CURIAE)

For the Respondent : NEMO

Dated : 31 Mar 2011

ORDER

Petitioner had sent a letter on 10.1.2001 to the effect that he is not physically fit to appear before this Commission and also not in a position to engage an advocate due to financial difficulties. Prayer was made to dispose of the Revision Petition on the basis of the decision of this Commission in Dr.S.P. Thirumala Rao vs. Municipal Commission, Mysore - R.P. No.1975/2005 decided on 28.5.2009. We appointed Mr.R.K. Dikshit, Advocate as amicus curiae to appear in this case on behalf of the petitioner.

Petitioner, in order to sort out the controversy with respect to his pensionary benefits, filed an application under Right to Information Act, 2005 (hereinafter referred to as 'the RTI Act, 2005') in the office of Opposite party No.4. Opposite party No.4 failed to provide the information. Petitioner then filed the complaint

before the District Forum, which was allowed and a direction was issued to opposite party No.4 to furnish the required information.

Respondent, being aggrieved, filed an appeal before the State Commission, which has been allowed by observing thus :

“At the outset it is not in dispute that complainant had filed an application u/s 6 & 7 of the Right to Information Act to the OP No.4. But complainant cannot be considered as a consumer as defined under the C.P. Act since there is a remedy available for the complainant to approach the appellate authority u/s 19 of the RTI Act, 2005.”

We agree with the view taken by the fora below. Petitioner cannot be claimed to be a consumer under the Consumer Protection Act. There is a remedy available for him to approach the Appellate Authority under Section 19 of the RTI Act, 2005. Dismissed.

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ASHOK BHAN
PRESIDENT
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VINEETA RAI
MEMBER